

STAFF REPORT FOR COASTAL DEVELOPMENT USE PERMIT

#CDU 34-2003

MAY 20, 2004

PAGE PC-1

OWNER: MENDOCINO LAND TRUST
P. O. BOX 1094
MENDOCINO, CA 95460

APPLICANTS: MENDOCINO LAND TRUST CALIF COASTAL CONSERVANCY
P. O. BOX 1094 1330 N. BROADWAY, 11TH FLOOR
MENDOCINO, CA 95460 OAKLAND, CA 94612-2530

REQUEST: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

LOCATION: In the coastal zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01.

TOTAL ACREAGE: 55.29± acres.

GENERAL PLAN: RMR 40

ZONING: RMR:L-40

EXISTING USES: Undeveloped.

ADJACENT ZONING: North and South: RMR:L-40
East: RR:L-5:PD
West: Ocean

SURROUNDING LAND USES: North: Residential
East: Highway 1, Vacant and Residential
South: Vacant
West: Pacific Ocean

SURROUNDING LOT SIZES: North: 15± acres
East: 3± to 8± acres
South: 21.7± acres
West: Ocean

SUPERVISORY DISTRICT: 5

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA: None.

PROJECT DESCRIPTION: In 1999, the Mendocino Land Trust, with assistance from the California Coastal Conservancy, acquired a 55.29± acre parcel between Highway 1 and the ocean, on the Navarro headlands north of the Navarro River. The Trust has developed a Management Plan for the Navarro Point property and is now seeking a coastal development use permit to allow for construction

of a driveway entrance and parking area, trails, and other facilities needed to provide public access on the site.

The site is located approximately three-quarters of a mile northwest of the mouth of the Navarro River, and extends for roughly one-half mile north to south, between the highway and the ocean. Along the shoreline, the property is bordered by steep bluffs rising about 80 feet from sea level. The majority of the property consists of a gently-sloping terrace rising from the blufftop to an elevation of 200 feet or more at the highway.

In the past the primary use of the site has been as rangeland. A small pond surrounded by a wetland exists in the central portion of the site, developed to provide water for livestock. A rock outcrop in the south-central portion of the site has been used as a quarry in the past, and there is the vestige of a prior rocky road between the quarry site and the highway. There are no buildings on the site. Various trails exist that are used by abalone divers.

The application lists the following project objectives:

1. Conservation of natural and cultural resources (wildlife, botanical, and archaeological).
2. Provide for safe public access consistent with resource protection.
3. Conservation of scenic viewshed from Highway One.
4. Manage in perpetuity using Navarro Point endowment funds.

The project is comprised of the following items:

1. The most substantial development will be a new gravel parking lot and paved driveway with a new encroachment onto Highway 1. The parking lot will provide one Americans with Disabilities Act (ADA) compliant parking space and seven standard parking spaces. The gravel parking area will occupy 3,730 square feet. The paved driveway will be 4,585 square feet. Construction of the parking area and driveway will entail 415 cubic yards of cut and 622 cubic yards of fill, with 207 cubic yards of fill imported from off-site. A 5-foot high fill slope and a 6-foot high cut slope will be created. Three-foot tall wood bollards spaced at 5-foot centers will be placed around the north, west, and south sides of the parking area to prevent vehicle access to the remainder of the site. As shown on the engineering drawings, the parking lot has been relocated slightly south of the location shown on the plot plan in response to Caltrans' encroachment permit requirements for adequate sight distances.
2. Existing access trails will be maintained and improved in some locations and closed in others, and some new trails will be created. Trails will be established primarily by mowing a two-foot wide path through the grass. Where necessary, wood chips or gravel surfacing will be used to prevent erosion of the path. Low posts and rope may be used for additional definition in sensitive areas or near bluffs. Approximately 4,500 lineal feet of trails are proposed.
3. Approximately 20 signs are proposed. One 24 by 36 inch sign at the point the trail leaves the parking lot is proposed to advise users of the rules of use. Three additional 12 by 18 inch "rules" signs are proposed in the vicinity of the parking area. Six 12 by 18 inch "stay on trails" signs are proposed along the trails. Six 12 by 18 "unstable bluff" signs are proposed at locations along the bluff. One 12 by 18 inch "end of trail" sign is proposed at the south end of the blufftop trail. Three 12 by 18 inch "private property" signs are proposed at property boundaries. Signs are proposed to be made of aluminum, with screen or vinyl coverings, mounted on 4 by 4 inch redwood or treated wood posts, with a maximum height of 4 feet.

4. Two benches are proposed, one near the peninsula that protrudes from the central portion of the site, and one at the south end of the blufftop trail.
5. The former rocky road that provided access to the quarry site will be maintained as an emergency access road. It will be blocked to traffic with a chain barrier at the highway.
6. New fencing to match existing fencing at the south end of the property may be installed if necessary to protect the neighboring parcel.
7. A program to remove targeted exotic pest plants will be undertaken. Priorities for removal are: Italian thistle, bull thistle, sow thistle, Australian fireweed, wild Radish, Monterey Pine, and Monterey cypress. Removal is to be accomplished by digging undesired plants out with shovels. It is anticipated that complete eradication may take several years of repeated effort. Removed plants will be left to compost on site.

ENVIRONMENTAL REVIEW:

Earth (Item 1E, Erosion): The applicant proposes to provide public access facilities on a blufftop lot. A new driveway and parking lot will be constructed. Development of the parking lot and driveway will involve cut and fill of approximately 415 cubic yards of soil on the site, along with additional fill of 207 cubic yards of imported soil. Cut and fill slopes 5 to 6 feet in height will be created. Existing trails will be improved and new trails developed to provide access to the ocean bluff. Roughly 4,500 lineal feet of trails are proposed.

Section 20.492.015 of the Coastal Zoning Code states, in part:

Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily.

Design Plans for the parking lot and driveway have been prepared by Green Valley Consulting Engineers. The plans specify erosion control measures and call for seeding of all graded areas. The plans show a 100-foot minimum buffer between the work area and a downslope wetland. The plan also shows silt fencing to be installed between the parking lot construction area and the wetland. Condition Number 3 is recommended to emphasize that all erosion control measures specified in the plans are to be incorporated into the construction of the parking lot and driveway, and to require that the silt fencing be installed as close to the work area as possible to maintain the maximum amount of undisturbed buffer area above the wetland.

Earth (Item 1G, hazards): The applicant proposes to provide public access facilities on a blufftop lot. Trails, signs and benches will be installed near the bluff. The parking area and driveway will be approximately 1,500 feet from the bluff.

Policy 3.4-1 of the Coastal Element of the General Plan states:

The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if

mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.

Policy 3.4-7 of the Coastal Element of the General Plan states:

The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works. Adequate setback distances will be determined from information derived from the required geologic investigation and from the following setback formula:

$$\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$$

The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation.

All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineering geologists report

The proposed driveway and parking lot would be located on slopes which are less than 20% and the development is not likely to present issues relative to erosion and/or slope failure. The parking area and driveway have been designed by Green Valley Consulting Engineers. The parking area is adjacent to Highway 1, approximately 1,500 feet from the bluff, and no buildings are proposed as part of the project. Consequently, no determination of bluff retreat or geologic setback was required. It is the policy of the Coastal Commission and the County to require recordation of a deed restriction as a condition of development on blufftop parcels, prohibiting the construction of seawalls and requiring that permitted improvements be removed from the property if threatened by bluff retreat. The restriction also requires that the landowner be responsible for any clean up associated with portions of the development that might fall onto a beach. Condition Number 4 is recommended.

Inevitably, a project designed to provide public access to the bluff top and shoreline entails an unknown increase in exposure of the public to risk. Access to the bluff top poses the risk that visitors may get too close and fall over the edge. Or, people may ignore warning signs and attempt to climb down the bluff to the shoreline where they may be exposed to the risk of being struck by waves and possibly being washed into the ocean.

Section 20.528.015 of the Coastal Zoning Code states in part:

All accessways shall be designed and constructed to safety standards adequate for their intended use. Barriers shall be constructed by the managing agency where necessary. ...

The management plan and preliminary drawings prepared for the project indicate that public safety has been taken into account in the design of the project. Some existing trails are to be abandoned or blocked to reduce exposure of the public to safety hazards. Paths along the bluff edge are to be set back a safe distance. A number of signs are proposed to warn visitors of hazardous conditions. In staff's opinion, a reasonable balance between public access to the coast and public safety will be incorporated in the design and operation of the project.

Air (Items 2A-2C, Air Quality): The project will produce no air emissions or odors and will have no impact on air quality.

Water (Items 3A and 3C-3I): No consumption or disposal of water is proposed by the project. No water courses will be altered. The site is not designated as a tsunami hazard zone. The site is not subject to flooding.

Water (Items 3B, runoff): The parking lot and driveway may generate minor amounts of runoff during rainstorms. Except for the paved ADA-compliant parking space, the parking lot is to have a gravel surface, and therefore will be able to absorb limited amounts of rainfall. The Grading and Drainage Plan for the parking lot and driveway shows that runoff will be directed into two 6 by 10 foot by 18 inch deep rock riprap sump pits to prevent runoff from causing erosion. The project complies with the provisions of Chapter 20.492, Grading, Erosion and Runoff, and no adverse impacts are anticipated.

Plant Life (Item 4A-4D, Environmentally Sensitive Habitat Areas): Avoidance of impacts to environmentally sensitive habitat areas (ESHAs) is frequently a design consideration for development projects on blufftop parcels. In the Coastal Zoning Code an ESHA is defined to include streams, riparian areas, wetlands, and habitats of rare or endangered plants and animals, all of which commonly occur along the shoreline. As part of the process of designing this public access project, the Land Trust retained botanical consultant Teresa Sholars, who prepared a botanical report for the property in July, 2000. The report notes that the property contains five plant species of concern, and a wetland. The plant species are *Castilleja mendocinensis* (Mendocino coast paintbrush), *Lasthenia macrantha* (perennial goldfields), *Lilium maritimum* (coast lily), *Hesperis matronalis* spp. *breviflora* (short-leaved evax), and *Sidalcea calycosa* ssp. *rhizomata* (Point Reyes checkerbloom). The report states that the first four species occur on the coastal bluffs, and that the *sidalcea* is within the wetland located in the central portion of the property.

Section 20.308.040 of the Coastal Zoning Code defines environmentally sensitive habitat area as:

...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals.

Policy 3.1-7 of the Mendocino County Coastal Element states, in applicable part:

A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width.

In the botanical report prepared by Ms. Sholars she recommends that trails should be routed to avoid the wetland, that boardwalks be used if possible in sensitive areas, that trails be maintained to prevent

erosion, that trails be located as much as possible where people will want to go to reduce off-trail traffic, and that the small peninsula be closed to access due to its biological sensitivity. Ms. Sholars' recommendations have been incorporated into the project design. As discussed above, the parking lot has been located to maintain a 100-foot buffer from the wetland, and the engineering drawings call for the installation of silt fencing below the work area to prevent soil or equipment from entering the buffer. New trails will be located to avoid sensitive areas. Access to the peninsula is to be restricted. Throughout the design of the project, it has been an objective of the Land Trust to select the least environmentally damaging alternatives and to incorporate appropriate mitigation measures to reduce or eliminate impacts. Condition Number 5 is recommended to require that sensitive areas on the site be monitored to determine whether increased public access is having any significant adverse impact, and to implement appropriate mitigation measures if necessary.

Animal Life (Items 5A-5C, diversity): The project will not impact the diversity of wildlife species inhabiting the site. No rare or endangered animal species are known on the site. No new species of animals will be introduced.

Animal Life (Item 5D, habitat): A small amount of natural habitat will be lost as a result of the proposed project. Existing grassland will be replaced by paved and graveled surfaces at the proposed driveway and parking lot. None of the area proposed for these developments provide unique or rare habitat. The total area affected is not significant when considered in relation to the entire 55-acre parcel, which will be maintained in a predominantly natural state. Staff recommends that the Planning Commission find the project to be "de minimis" and therefore exempt from the Department of Fish and Game filing fee. Condition Number 1 is recommended.

Noise (Item 6A and 6B): The only noise generated by the project will be that of construction activity during construction of the driveway and parking lot, which will be of limited duration. Noise impacts will not be significant.

Light and Glare (Item 7): No lighting is proposed as part of the project. Lights from vehicles using the parking lot will not be a significant issue because use of the facility is to be limited to day use only.

Land Use (Item 8): The Mendocino Land Trust acquired the property with the objective of managing it for public use. The primary objective of the project is to improve public pedestrian access to the bluff top, with provisions for public safety and protection of sensitive resources. Activities such as hiking, sight seeing, bird watching, whale watching, picnicking, and photography are the kinds of uses anticipated on the site, and are encompassed within the Passive Recreation use type defined in the Coastal Zoning Code (Section 20.340.015). Passive Recreation is listed among the Principal Permitted Uses allowed in a Remote Residential zone (Section 20.380.010(C)), and the change in use of the parcel from agricultural and undeveloped residential uses to passive recreation could generally be accomplished with only a coastal development permit. However, because the project includes development of new facilities for passive recreation, including a driveway, a parking lot, and new trails, a coastal development use permit is required (Section 20.340.020).

Maximum public access to the coast is one of the goals stated in the Coastal Act. Numerous policies in Chapter 3.6 of the County's Coastal Plan and the provisions of Chapter 20.528 of the Coastal Zoning Code also promote development of public access to the shoreline. The County's Land Use Plan Map for the Navarro Headland area shows a proposed shoreline access along the top of the bluff on the property. Coastal Plan Policy 4.9-11 calls for offers of dedication for public access easements along the bluff top to be required in conjunction with development proposed on Navarro Headland parcels. As part of its agreement with the California Coastal Conservancy when the Mendocino Land Trust acquired the property, an Irrevocable Offer to Dedicate Title in Fee was recorded which could be accepted by the Coastal Conservancy in the event that the Land Trust should cease to exist, or in some

other way fail to manage the property in accordance with its agreement with the Conservancy. The project as proposed by the Mendocino Land Trust is consistent with public access policies.

As noted above in the project description, the parking lot has been repositioned to a location south of that shown on the Plot Plan. As a result, the trail shown on the Plot Plan leading directly west from the original parking lot location may no longer be an appropriate location. Staff would recommend that the former quarry road be utilized as the main trail between the parking lot and the bluff, and that a short trail connection be developed to provide access between the parking lot and the old quarry road. Condition Number 6 is recommended to require that a revised plot plan be submitted showing the revised location of the parking lot and trail layout.

Natural Resources (Item 9): The site is not a current source of natural resources. In the past some rock has been quarried from the rock outcrop located in the central portion of the property, however it has not been used recently, and does not represent a resource of significant size. The project will not consume any significant quantities of natural resources.

Population (Item 10): The facility will provide no local jobs or have any other attribute that would affect population distribution.

Housing (Item 11): The project will neither provide additional housing nor generate demand for additional housing.

Transportation/Circulation (Item 12B, Parking): Eight parking spaces are proposed as part of the project, one being an ADA compliant space. No specific parking requirements are set by the Coastal Zoning Code for public access uses. It is not anticipated that the project will generate significant demand for parking, and staff anticipates that eight parking spaces will be adequate.

Transportation/Circulation (Item 12C, Roads): As part of the project a new encroachment onto Highway 1 will be constructed. No comment has been received from Caltrans. Nevertheless, Condition Number 7 is recommended to require that any work proposed within the State Highway 1 right-of-way be completed in accordance with encroachment procedures administered by Caltrans.

The project would contribute incrementally to traffic on local and regional roadways. The cumulative effects of traffic resulting from development of a trail along the bluff top on this site were considered when the Coastal Element land use designations were assigned, as this trail is designated on the Land Use Plan (LUP) map.

Public Services (Item 13, Fire Protection): The property is in an area with a moderate fire hazard severity rating as determined by the California Department of Forestry and Fire Prevention, and is in a State Responsibility Area for fire safety review. Recommended conditions of approval from CDF (CDF 67-03, January 8, 2004) recommending compliance with CDF driveway standards were received with the application. When the application was referred to CDF for comment, CDF responded with "No comment" (CDF 18-04, January 22, 2004). No response was received from the Albion-Little River Fire Department, however the applicant's Management Plan indicates that the Department was consulted during the design of the project, and arrangements were made to provide emergency access and continued use of the site for rescue training exercises. Condition Number 8 is recommended to achieve compliance with the fire safe standards recommended by the Department of Forestry.

Energy (Item 14): There will be no significant consumption of energy as a result of the proposed project. No lighting is proposed. The only energy use will occur during construction and maintenance.

Utilities (Item 15): The proposed facility will neither consume water nor generate sewage. No restrooms are proposed.

Human Health (Item 16): Exposure of people to potential hazards is discussed above.

Aesthetics (Item 17, Views and Appearance): The property is within a highly scenic area designated on the Coastal Plan Map. It is also designated as a tree removal area to protect views toward the ocean from Highway 1. No buildings are proposed as part of the project. Proposed development will include the driveway and parking area, signs, benches and trails. The parking lot will be the most significant visual feature. The driveway, signs, and trails will have little visual impact.

Coastal Plan Policy 3.5-1 of the Mendocino County Coastal Element states:

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

Coastal Plan Policy 3.5-3 states, in part:

Any development permitted in [highly scenic] areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

In addition to other visual policy requirements, new development west of Highway One in designated highly scenic areas is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. ... New development should be subordinate to the natural setting and minimize reflective surfaces.

Section 20.504.015(C)(3) of the Coastal Zoning Code states:

New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

Coastal Plan Policy 3.5-5 states:

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged. In specific areas, identified and adopted on the land use plan maps, trees currently blocking views to and along the coast shall be required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views.

The parking lot, particularly when filled with cars, will be plainly visible in the open grassland of the parcel. Although it will be lower than the highway and below one's line of sight when looking out toward the ocean from the highway, the lot and parked cars will be a prominent feature in a predominantly natural setting. Factors that were considered in selecting the location of the lot included topography, sight distances along the highway from the driveway entrance, visibility from the highway, and the need

to maintain a 100-foot buffer from a wetland on the parcel. Consideration was given to locating the parking area at the quarry site where it would be on the west side of the rock outcrop, and partially out of site from the highway. This option was not selected because it would be more difficult to supervise, especially for after dark use, and for fear that parked vehicles might be subject to break-ins. Unfortunately, there is no other less-visible location on the site where the parking lot could be accommodated. To provide some mitigation of the visual impact resulting from the development of the parking lot, Condition Number 9 is recommended to require that a few native shrubs or other vegetation be planted on the north, east and south sides of the lot to provide partial screening of the lot and parked cars from Highway 1. It is not the intention of this condition to require the lot or parked cars be completely screened from view, but only to make them slightly less obvious. Trees are not recommended because of the potential for them to obstruct ocean views, and because trees are not a natural feature on the site.

Signs are proposed to be placed in the vicinity of the parking area and along the trails, advising visitors of the rules of use and warning of hazardous conditions. The main "management sign" posted at the parking area is to be 2 feet by 3 feet in size. Others are to be 12 inches by 18 inches in size. Signs are proposed to be made of aluminum, with screen or vinyl coverings, mounted on 4 by 4 inch redwood posts, with a maximum height of 4 feet.

Signs are regulated by Chapter 20.476 of the Coastal Zoning Code. Some of the proposed signs are exempt from the provisions of Chapter 20.476: "No parking" signs less than four square feet each, and signs required by State or Federal law (such as ADA parking signs) are not regulated by the Sign chapter. Other signs are regulated. Section 20.476.025 calls for signs to be made of wood where feasible, requires that signs not block public views of the ocean, and limits the total sign area to 40 square feet. Regulated signs are also required to conform to all setback requirements (90 feet from the centerline of Highway 1). Condition Number 10 is recommended for the design and location of signs in conformance with Coastal Zoning Code requirements.

Recreation (Item 18): The purpose of the project is to provide public access to a blufftop parcel for passive recreational activities such as hiking, picnicking, and whale watching. The project will help to accomplish County Coastal Plan goals intended to generate more public recreational opportunities along the shoreline.

Cultural Resources (Item 19): The parcel is located on a bluff overlooking the ocean, with possible, but hazardous, access to the shoreline and ocean. Archaeological sites have been recorded in similar environmental settings. An archaeological survey of the property was prepared in 2000 by Thad Van Bueren, who found a small shell midden on the property, and recommended that disturbance should be avoided. Proposed trails do avoid the site. The survey was reviewed and accepted by the Mendocino County Archaeological Commission on February 11, 2004. Condition Number 11 is recommended to require protection of cultural resources on the site.

ENVIRONMENTAL RECOMMENDATION:

No significant environmental impacts are anticipated which cannot be adequately mitigated, therefore, a Negative Declaration is recommended.

GENERAL PLAN CONSISTENCY RECOMMENDATION: The proposed project is consistent with applicable goals and policies of the General Plan.

RECOMMENDED MOTION:

General Plan Consistency Finding: As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan and Coastal Element of the General Plan as subject to the conditions being recommended by staff.

Environmental Findings: The Planning Commission finds that no significant environmental impacts would result from the proposed project that cannot be adequately mitigated through the conditions of approval, therefore; a Negative Declaration is adopted.

Department of Fish and Game Findings: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based on the fact that the parcel will be predominantly retained in its undeveloped natural state, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5.

Coastal Development Permit Findings: The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. Environmentally Sensitive Habitat Areas.
 - (a) The resource as identified will not be significantly degraded by the proposed development.
 - (b) There is no feasible less environmentally damaging alternative.
 - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

Project Findings: The Planning Commission, making the above findings, approves #CDU 34-2003 subject to the conditions of approval recommended by staff.

CONDITIONS OF APPROVAL:

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 if the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 4, 2004. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
- ** 3. Vegetation shall be reestablished on all areas of disturbed soil in conformance with Chapter 20.492 of the Mendocino County Code. All erosion control measures specified in the Parking Lot Design Plans prepared by Green Valley Consulting Engineers shall be incorporated into the construction of the parking lot and driveway. Silt fencing installed below the construction area shall be installed as close as possible to the work area to provide maximum undisturbed buffer area (not less than 100 feet) above the downslope wetland.
- ** 4. Prior to the issuance of the Coastal Development Permit, the landowner (Mendocino Land Trust (MLT), or as otherwise shown on the Official Records found in Mendocino County Recorder's office), shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which shall provide that:
 - a. The landowner (MLT) understands that the site may be subject to extraordinary geologic and erosion hazard and landowner (MLT) assumes the risk from such hazards;
 - b. The landowner (MLT) agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project, including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;

- c. The landowner (MLT) agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d. The landowner (MLT) shall not construct any bluff or shoreline protective devices to protect the improvements in the event that these structures are subject to damage or other erosional hazards in the future;
 - e. The landowner (MLT) shall remove the trail and associated developments when bluff retreat reaches the point at which the structure is threatened. In the event that improvements associated with the trail fall to the beach before they can be removed from the blufftop, the landowner (MLT) shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner (MLT) shall bear all costs associated with such removal; and
 - f. The document shall run with the land, bind all successors and assignees, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
- ** 5. The landowner shall monitor the impacts of public use of the site and implement additional mitigation measures if needed to prevent damage to sensitive areas, particularly the wetland, the peninsula, and the bluff face.
- ** 6. Prior to issuance of the coastal development permit, the applicant shall submit a revised Plot Plan which shall show the revised location of the parking lot; and the resulting changes in trail locations, with consideration given to including use of the old quarry road as the main trail between the parking lot and the bluff.
- ** 7. Work within the Highway 1 right of way shall be completed in accordance with encroachment procedures administered by California Department of Transportation.
- ** 8. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF# 67-03) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the grading permit, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
- ** 9. Within one year of the final inspection of the grading permit for the driveway and parking lot, a few (6-10) native shrubs or other vegetation shall be planted near the north, east, and south edges of the parking lot to slightly soften the visual impact of the lot and parked cars. Vegetation selected shall be maintained and replaced as required, and shall not be allowed be so large as to obstruct views of the ocean from the highway.
- ** 10. Signs shall be designed and located to avoid blocking public views of the ocean and shall conform with setback requirements. Sign posts and frames shall be of colors and materials selected to be compatible with and blend with the natural environment.
- ** 11. The recommendations for protection of cultural resources described in the Archaeological Survey prepared by Thad Van Bueren, MA, dated June 26, 2000, shall be incorporated into the development of the site. In the event that archaeological resources are encountered during construction of the project, work in the immediate

vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

- ** 12. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.
13. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
14. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
- ** 15. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
16. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
- a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted has been violated.
 - c. The use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more of the conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more of the conditions.
- Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.
17. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

DATE

CHARLES HUDSON
SENIOR PLANNER

CNH:DAW
4/12/2004

Negative Declaration

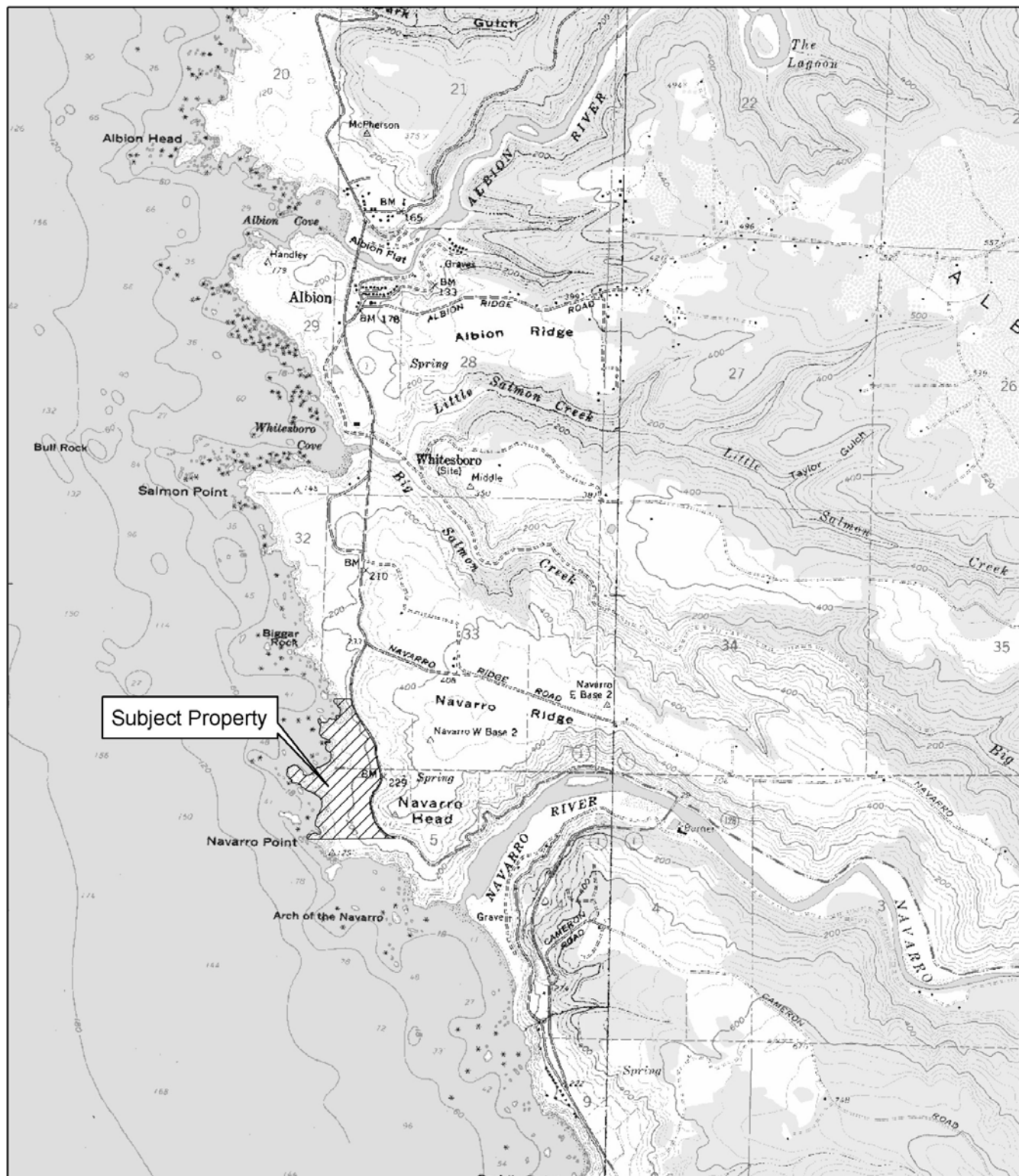
Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$680 (For an appeal to the Mendocino County Board of Supervisors.)

** Indicates conditions relating to Environmental Considerations - deletion of these conditions may effect the issuance of a Negative Declaration.

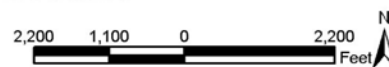
SUMMARY OF COMMENTS:

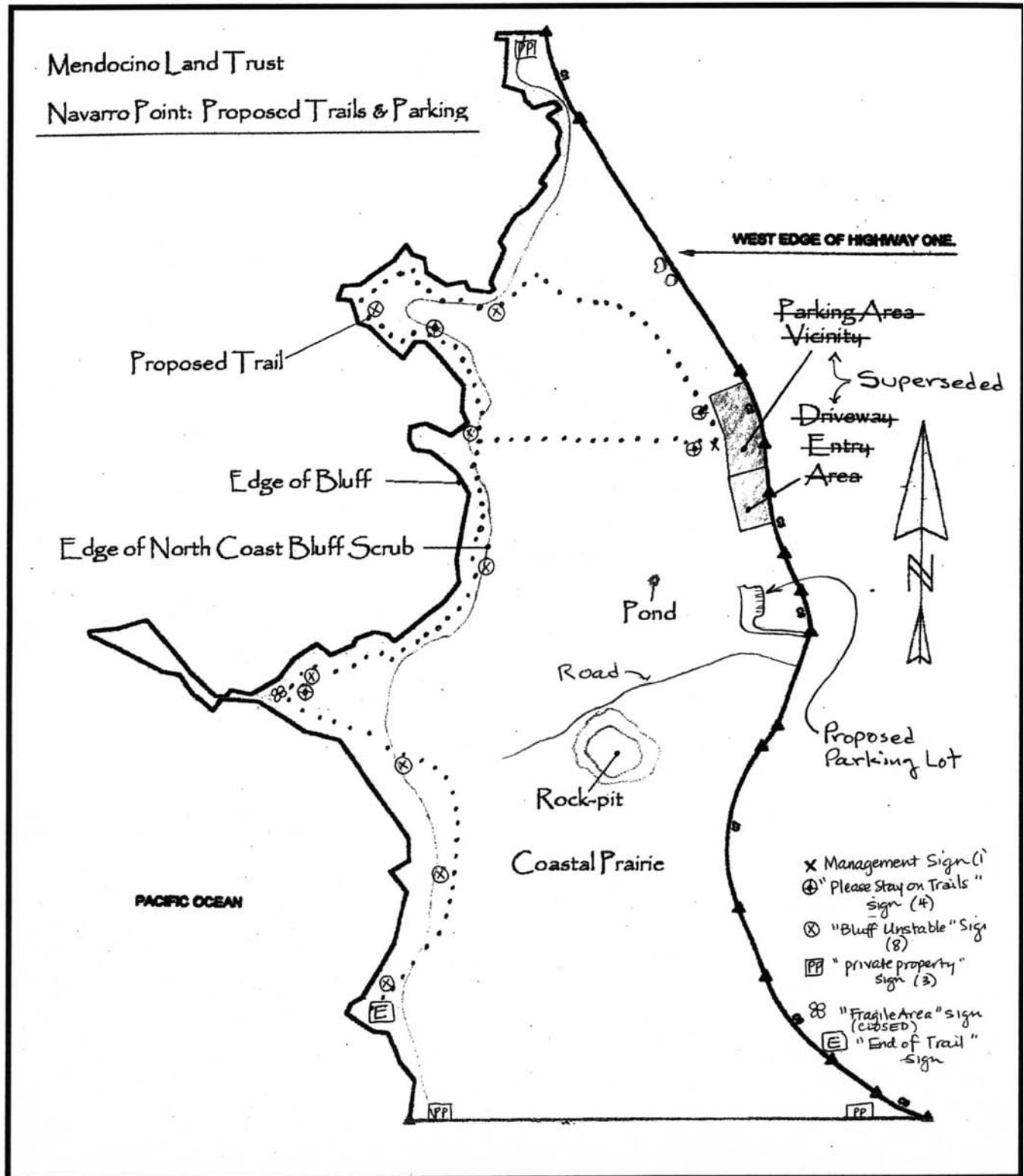
Planning – FB	Highly scenic, tree removal area, protect rare plants (paintbrush present).
Department of Transportation	No comment.
Environmental Health – Fort Bragg	No comment.
Building Inspection – Fort Bragg	No comment.
Air Quality Management District	No response.
Archaeological Commission	Survey accepted – site discovered.
Trails Advisory Committee	No response.
Native Plant Society	No response.
Caltrans	No response.
California Department of Forestry	CDF 607-03 – Driveway standards. CDF 18-04 – No comment.
Department of Fish and Game	No response.
Coastal Commission	No response.
Regional Water Quality Control Board	No response.
Department of Parks and Recreation	No response.
Albion-Little River Fire District	No response.
Sheriff	No comment.



LOCATION MAP

OWNER: MENDOCINO LAND TRUST
 APPLICANT: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY
 CASE #: CDU 34-2003
 APNs: 123-310-02 & 126-010-01

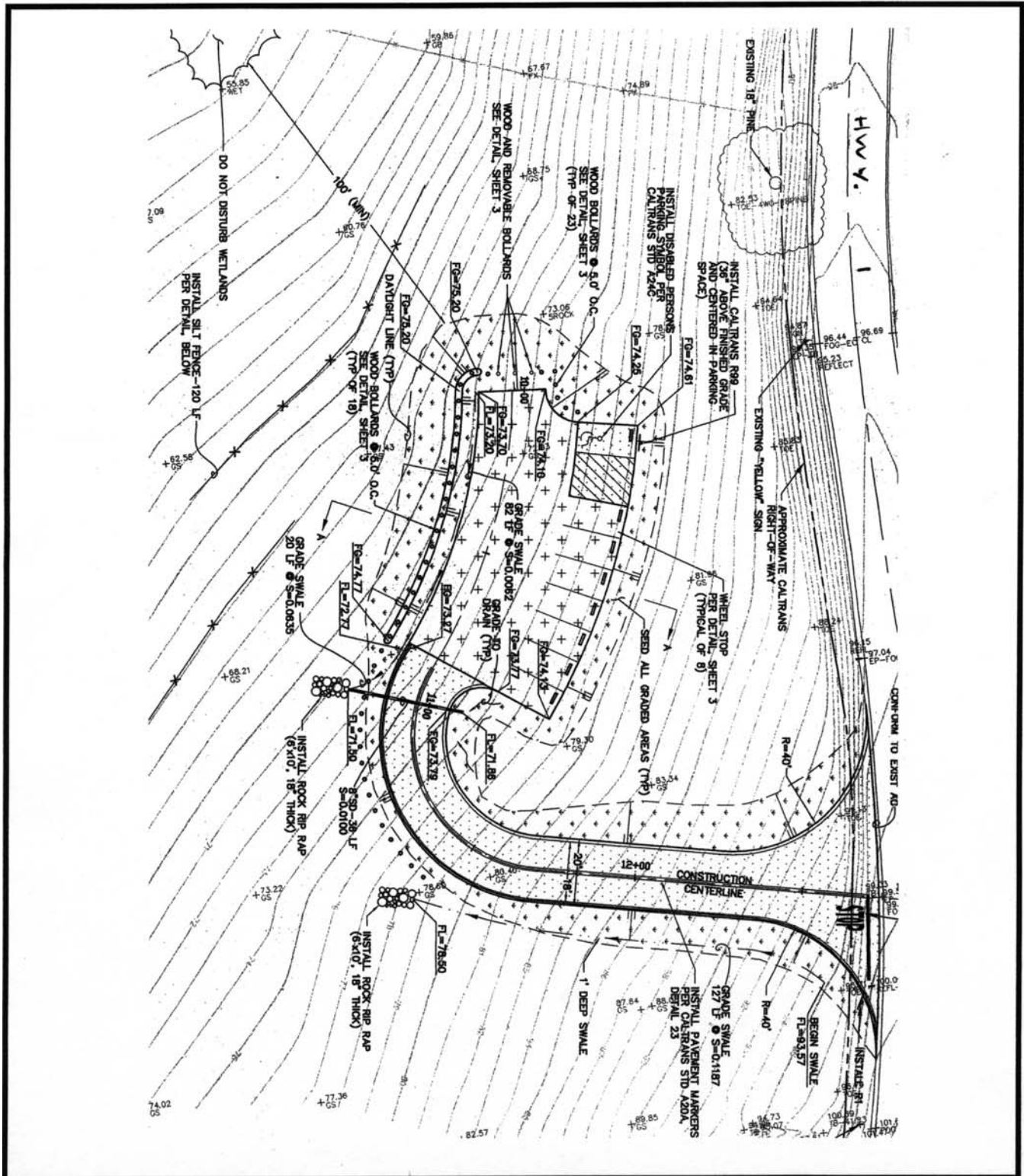




CASE NO: CDU 34-03

MENDOCINO LAND TRUST

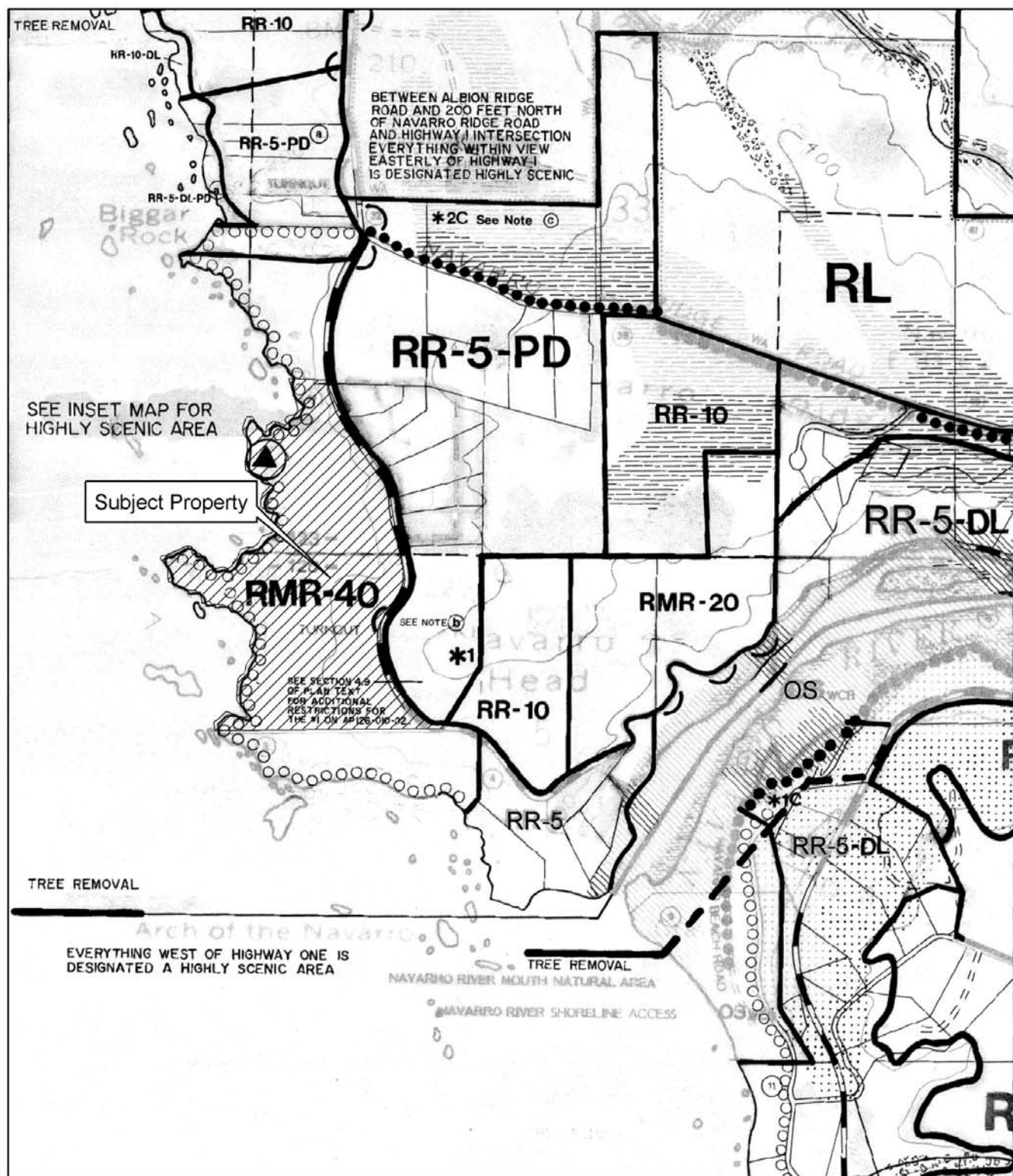
PLOT PLAN
SCALE: NONE



CASE NO: **CDU 34-03**

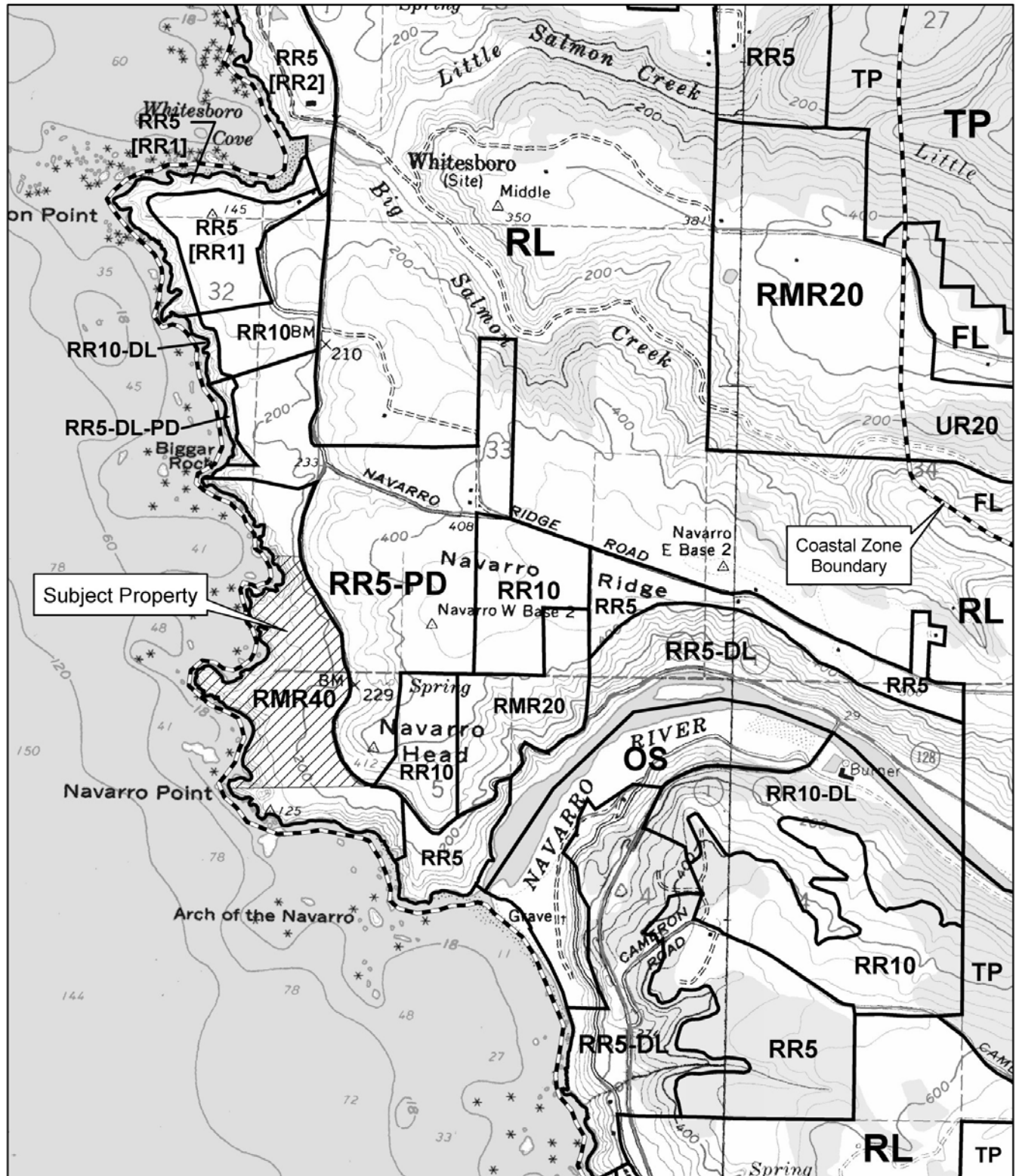
MENDOCINO LAND TRUST
PARKING LOT AND DRIVEWAY PLAN
SCALE: NONE



**COASTAL ZONE LAND USE MAP**

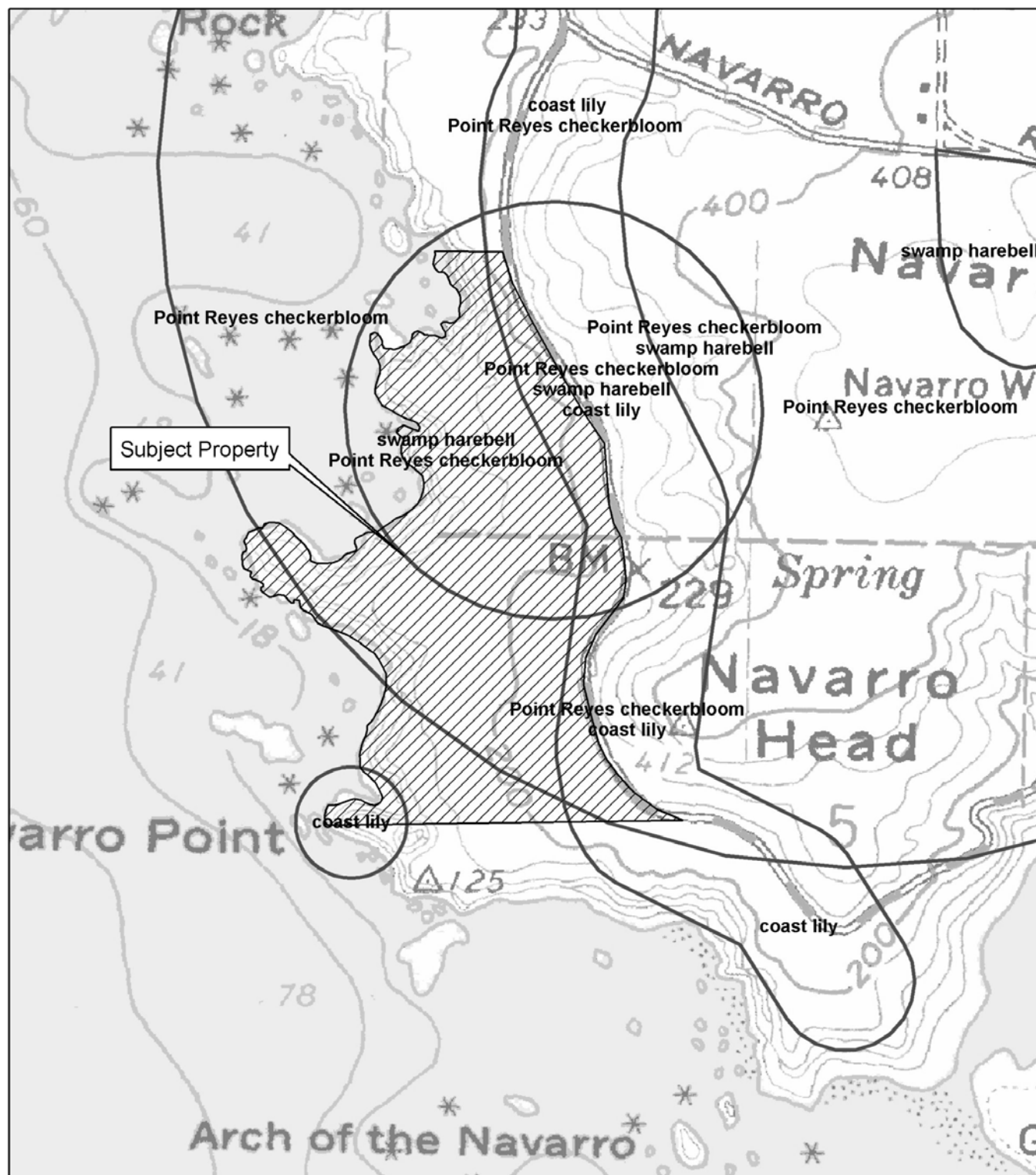
OWNER: MENDOCINO LAND TRUST
 APPLICANT: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY
 CASE #: CDU 34-2003
 APNs: 123-310-02 & 126-010-01

Not To Scale 

**ZONING DISPLAY MAP**

OWNER: MENDOCINO LAND TRUST
 APPLICANT: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY
 CASE # CDU 34-2003
 APN: 123-310-02 & 126-010-01

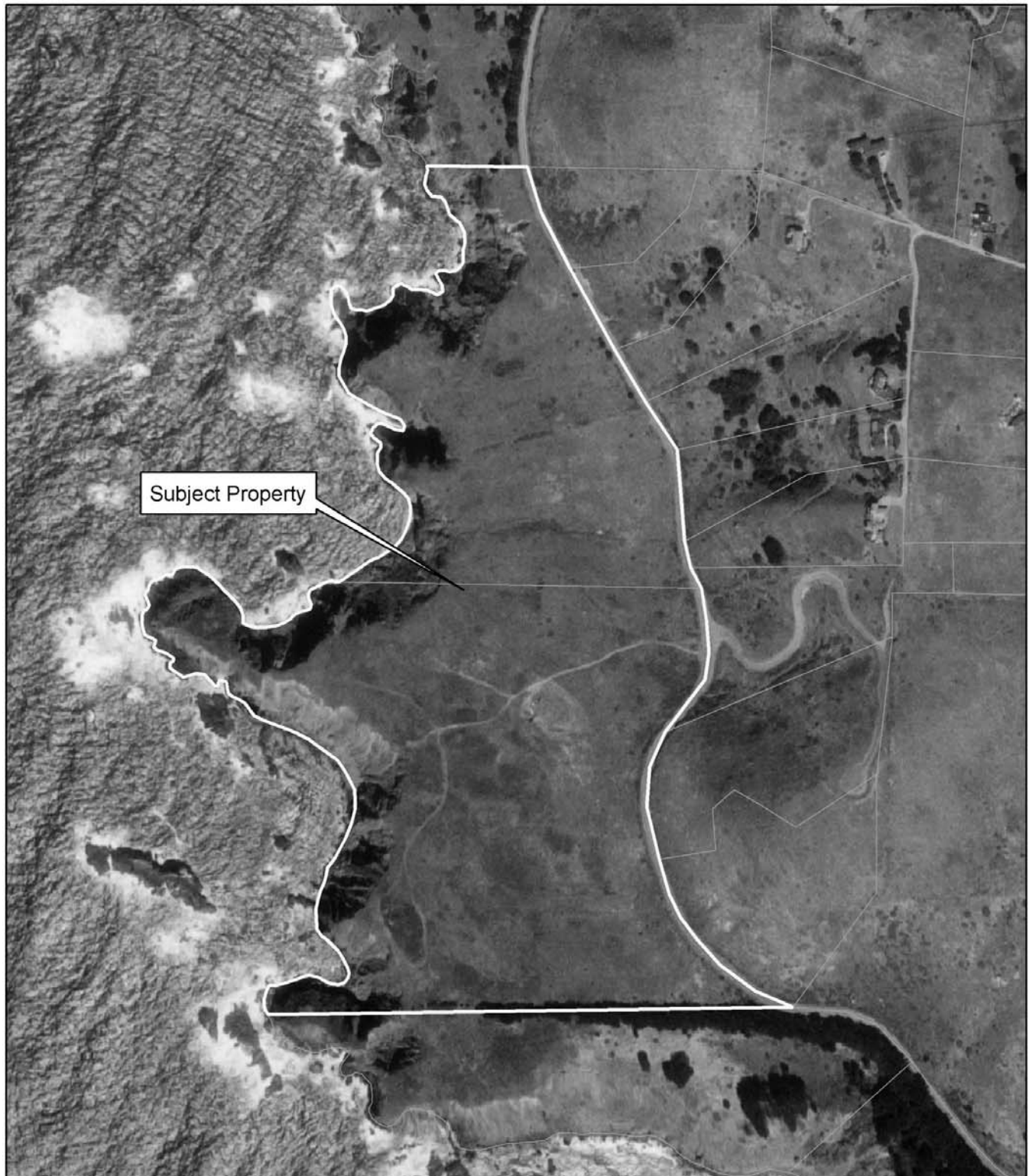




CALIFORNIA NATURAL DIVERSITY DATABASE RAREFIND

OWNER: MENDOCINO LAND TRUST
 APPLICANT: MENOOCINO LAND TRUST AND STATE COASTAL CONSERVANCY
 CASE #: CDU 34-2003
 APNs: 123-310-02 & 126-010-01



**ORTHOPHOTO OF PROPERTY**

OWNER: MENDOCINO LAND TRUST
APPLICANT: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY
CASE #: CDU 34-2003
APNs: 123-310-02 & 126-010-01

390 195 0 390
Feet



**COUNTY OF MENDOCINO
ENVIRONMENTAL REVIEW GUIDELINES
DRAFT NEGATIVE DECLARATION**

I. DESCRIPTION OF PROJECT.

DATE: April 12, 2004

CASE#: CDU 34-2003

DATE FILED: 12/29/2003

OWNER: MENDOCINO LAND TRUST

APPLICANTS: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY

REQUEST: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

LOCATION: In the Coastal Zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01.

PROJECT COORDINATOR: Charles Hudson

II. DETERMINATION.

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a **NEGATIVE DECLARATION** be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

MENDOCINO COUNTY INITIAL STUDY

Section I	Description Of Project. DATE: April 12, 2004 CASE#: CDU 34-2003 DATE FILED: 12/29/2003 OWNER: MENDOCINO LAND TRUST APPLICANTS: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY REQUEST: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point. LOCATION: In the Coastal Zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01. PROJECT COORDINATOR: Charles Hudson
Section II	Environmental Checklist. “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382). Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

501 LOW GAP ROAD • ROOM 1440 • UKIAH • CALIFORNIA • 95482

RAYMOND HALL, DIRECTOR
Telephone 707-463-4281
FAX 707-463-5709
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

April 23, 2004

**NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE
DECLARATION FOR PUBLIC REVIEW**

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, May 20, 2004, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

CASE#: CDU 34-2003

DATE FILED: 12/29/2003

OWNER: MENDOCINO LAND TRUST

APPLICANTS: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY

REQUEST: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

LOCATION: In the Coastal Zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01.

PROJECT COORDINATOR: Charles Hudson

ENVIRONMENTAL DETERMINATION: The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is available for public review at 501 Low Gap Road, Room 1440, Ukiah, California, and at 790 South Franklin Street, Fort Bragg, California. The staff report and notice are available on the Department of Planning and Building Services website at www.co.mendocino.ca.us/planning.

Your comments regarding the above project and/or the Draft Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California, no later than May 19, 2004. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding the item shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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www.co.mendocino.ca.us/planning

April 21, 2004

Ft Bragg Planning & Bldg Svcs
Department of Transportation
Environmental Health
Air Quality Management District
Trails Advisory Committee

Native Plant Society
Caltrans
Dept of Forestry
Dept of Fish and Game
Coastal Commission

RWQCB
Dept of Parks and Recreation
Albion – Little River Fire District
Sheriff

**NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE
DECLARATION FOR PUBLIC REVIEW**

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, May 20, 2004, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

CASE#: CDU 34-2003

DATE FILED: 12/29/2003

OWNER: MENDOCINO LAND TRUST

APPLICANTS: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY

REQUEST: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

LOCATION: In the Coastal Zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01.

PROJECT COORDINATOR: Charles Hudson

ENVIRONMENTAL DETERMINATION: The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is attached for your review.

RESPONSE DUE DATE: May 19, 2004. If no response is received by this date, we will assume no recommendation or comments are forthcoming and that you are in agreement with the contents of the Draft Negative Declaration.

It should be noted that the decision making body may consider and approve modifications to the requested project(s). Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California. Oral comments may be presented to the Planning Commission during the public hearing(s).

The Planning Commission's action shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing(s). All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

501 LOW GAP ROAD • ROOM 1440 • UKIAH • CALIFORNIA • 95482

RAYMOND HALL, DIRECTOR
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pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

April 15, 2004

TO: Mendocino Coast Beacon
FROM: Debra White – Office Manager
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on April 22, 2004 in the Legal Notices Section of the Mendocino Coast Beacon.

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE

DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, May 20, 2004, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

CASE#: CDU 34-2003

DATE FILED: 12/29/2003

OWNER: MENDOCINO LAND TRUST

APPLICANTS: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY

REQUEST: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

LOCATION: In the Coastal Zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01.

PROJECT COORDINATOR: Charles Hudson

ENVIRONMENTAL DETERMINATION: The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration

is available for public review at 501 Low Gap Road, Room 1440, Ukiah, California and at 790 South Franklin Street, Fort Bragg, California. The staff report and notice are available on the Department of Planning and Building Services website at www.co.mendocino.ca.us/planning.

Your comments regarding the above project and/or the Draft Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California 95482, no later than May 19, 2004. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding the item(s) shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved coastal development project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on the project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

June 8, 2004

NOTICE OF FINAL ACTION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDU 34-2003

DATE FILED: 12/29/2003

OWNER: MENDOCINO LAND TRUST

APPLICANTS: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY

REQUEST: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

LOCATION: In the Coastal Zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01.

PROJECT COORDINATOR: Charles Hudson

ACTION TAKEN:

The Planning Commission, on May 20, 2004, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

Attachments

cc: MENDOCINO LAND TRUST
STATE COASTAL CONSERVANCY
COASTAL COMMISSION
ASSESSOR

FILING REQUESTED BY
County of Mendocino
Planning & Building Services Dept
501 Low Gap Road, Room 1440
Ukiah, CA 95482

AND WHEN FILED MAIL TO
County of Mendocino
Planning & Building Services Dept
501 Low Gap Road, Room 1440
Ukiah, CA 95482

NOTICE OF DETERMINATION

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ Mendocino County Clerk
501 Low Gap Road, Room 1020
Ukiah, CA 95482

Subject: Filing of Notice of Determination in compliance with Section 21108 and 21152 of the Public Resources code.

Project Title:

CASE#: CDU 34-2003

DATE FILED: 12/29/2003

OWNER: MENDOCINO LAND TRUST

APPLICANTS: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY

State clearing House Number (If Submitted to Clearing House)	Contact Person	Area Code/Number/Extension
	Charles Hudson	707-463-4281

Project Location:

In the Coastal Zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01.

Project Description:

Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

This is to advise that the County of Mendocino has approved the above-described project on May 20, 2004 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Considerations was not adopted.

This is to certify that the Negative Declaration and record of project approval is available to the general public at 501 Low Gap Road, Room 1440, Ukiah.

Date of Filing _____

Signature

COUNTY OF MENDOCINO ENVIRONMENTAL REVIEW GUIDELINES NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT.

DATE: July 7, 2004

CASE#: CDU 34-2003

DATE FILED: 12/29/2003

OWNER: MENDOCINO LAND TRUST

APPLICANTS: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY

REQUEST: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

LOCATION: In the Coastal Zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01.

PROJECT COORDINATOR: Charles Hudson

II. DETERMINATION.

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, a NEGATIVE DECLARATION is adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location (include county):

County of Mendocino. In the Coastal Zone, south of the community of Albion, on the west side of Highway 1, approximately 0.2 mile south of the intersection of Highway 1 and Navarro Ridge Road, between milepost markers 41.65 and 42.11, located at 1350 North Highway 1; AP# 123-310-02 and 126-010-01.

Project Description:

CASE#: CDU 34-2003

DATE FILED: 12/29/2003

OWNER: MENDOCINO LAND TRUST

APPLICANTS: MENDOCINO LAND TRUST AND STATE COASTAL CONSERVANCY

REQUEST: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

PROJECT COORDINATOR: Charles Hudson

Finding of Exemption (attach as necessary):

The Planning Commission finds that an initial study has been conducted evaluating the potential for adverse impacts and when considering the record as a whole there is no evidence before the Commission that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends. Therefore, the Commission rebuts the presumption set forth in subdivision (d) of Section 753.5.

Certification:

I hereby certify that the public agency has made the above finding that the project will not individually or cumulatively have an adverse effect on wildlife resources as defined in Section 711.2 of the Fish and Game Code.

(Planning Official)

Title: Chief Planner
Lead Agency: Mendocino County
Date: _____

MENDOCINO COUNTY PLANNING COMMISSION

MINUTES

MAY 20, 2004

LOCATION: Mendocino County Board of Supervisors
Chambers, 501 Low Gap Road, Ukiah,
California

COMMISSIONERS PRESENT: McCowen, Barth, Nelson, Little, Edwards

COMMISSIONERS ABSENT: Lipmanson, Calvert

PLANNING & BLDG SVC STAFF PRESENT: Sandi Butterfield, Staff Assistant IV
Debra White, Office Manager
Raymond Hall, Director
Frank Lynch, Chief Planner

OTHER COUNTY DEPARTMENTS PRESENT: Frank Zotter, Deputy County Counsel

1. Roll Call.

The meeting was called to order at 9:03 a.m. Commissioners Lipmanson and Calvert were absent by pre-arrangement. Commissioner Nelson arrived at 9:23 a.m.

2. Determination of Legal Notice.

Mr. Lynch advised the Commission that all items have been properly noticed.

3. Director's Report and Miscellaneous.

Mr. Hall reviewed the written Director's Report submitted into the record.

4. Regular Calendar.

4A. U 25-2003 – NORKFOLK/US CELLULAR – South of Hopland

Request: Use Permit to co-develop a communication site consisting of two adjacent compounds and a 120-foot monopole. Each carrier will have up to 12 panel antennas and one microwave dish. Each compound will consist of a 40 by 40 square foot area, surrounded by a 6-foot chain link fence, housing various equipment structures, generators, etc. (Note: The Department of Planning and Building Services is recommending that the applicants each provide 360-degree communication coverage, which may result in installation of an additional panel antenna.)

Mr. Lynch reviewed the staff report.

Ms. Jennifer Donnelly, representing Verizon Wireless, spoke in support of the application and responded to questions from the Commission, particularly Chairman McCowen who questioned the need for the requested height.

In response to Commissioner Barth, Ms. Donnelly stated that there would be space for emergency service providers if requested from any agency.

Mr. Alan Waters, representing Edge Wireless, further responded that the additional height was needed to achieve coverage objectives due in part to the switch from analog to digital technology.

Mr. Roy Willy, representing Edge Wireless, added that each carrier utilized a different frequency and that each frequency provides different coverage, therefore, a lower position on a particular tower may work for one carrier, but not necessarily for another. In response to Commissioner Little, he confirmed that the height required at a specific site is related to coverage from other tower locations in the carriers network.

The public hearing was declared open and subsequently closed when no one came forward to address the Commission.

Commissioner Little recommended including a condition to allow emergency service providers to utilize the tower and suggested that staff include this as a standard condition in the future.

Upon motion by Commissioner Little, seconded by Commissioner Edwards and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #U 25-2003 making the following findings and subject to the following conditions of approval:

General Plan Consistency Finding: As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

Department of Fish and Game Finding: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon existing development on the subject parcel, the limited area to be disturbed and that no unique plant or habitat will be impacted, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 711.4 of the Department of Fish and Game Code.

Environmental Findings: The Planning Commission finds that the project can be adequately mitigated through conditions of approval and therefore adopts a Negative Declaration.

Project Findings: The Planning Commission approves #U 25-2003 subject to the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
3. That such use preserves the integrity of the zoning district.

CONDITIONS OF APPROVAL:

1. This permit ~~shall~~ will expire on ~~May 20 March 18~~, 2014. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
2. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.
3. As soon as practical following completion of any earth disturbance, vegetative ground cover or driveway surfacing equal to or better than existing shall be reestablished on all disturbed portions of the site.
4. Temporary erosion control measures shall be in place at the end of each work day and shall be maintained until permanent protection is established.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 4, 2004. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
7. Exterior light fixtures shall be designed or located so that only reflected, non-glaring light is visible from beyond the immediate vicinity of the site, and lights shall be turned off except when in use by facility personnel. No aircraft warning lighting shall be installed.
8. The pole and antenna panels shall have a non-reflective finish and be a light gray color to blend with the sky.
9. One or more warning signs consistent with FCC and ANSI regulations shall be displayed in close proximity to the antenna tower. All signage shall be located and designed to have the least visual impact possible. The intent is that Federal safety requirements will be met with the least visual impact from public locations.
10. If use of any portion of the proposed facility is discontinued for more than one year, all parts of the facility not in use, above grade, shall be completely removed from the site, and the site shall be restored to a natural-appearing condition.
11. Prior to issuance of a building permit, the applicant shall provide an irrevocable letter of credit, bond, certificate of deposit, or other reasonable form of security satisfactory to County Counsel, sufficient to fund the removal of the facility and restoration of the site in

the event that the applicant abandons operations or fails to comply with requirements for removal of facilities and restoration of the site.

12. In the event that archaeological resources are encountered on the site, further disturbance in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
13. *By commencing work allowed by this permit, the applicant agrees to negotiate in good faith with third parties requesting shared use of the site.*
14. Prior to the final inspection by the Building Division, an identification sign for each company responsible for operation and maintenance of facilities at the site, no larger than one square foot, shall be mounted on an exterior wall in a location visible when approached from the street, and shall provide the name, address, and emergency telephone number of the responsible companies. The address assigned to the site by the Planning and Building Services Department shall also be posted.
15. *The antennas and supporting structure shall be inspected every five years, and following significant storm or seismic events, by a structural engineer licensed in the State of California to assess their structural integrity, and a report of the engineer's findings shall be submitted to the Planning and Building Services Department.*
16. Prior to commencement of operations, all surplus construction materials and debris, including cleared vegetation, shall be removed from the site to a proper disposal facility. Thereafter the site shall be kept free of refuse.
17. *The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.*
18. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
19. *This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:*
 - a. That the permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which the permit was granted have been violated.
 - c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

20. *This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.*

21. Each provider shall provide 360-degree communication coverage of the surrounding area. Should this require an additional antenna, one additional panel antenna shall be authorized provided it is like sized to the other individual panel antennas authorized by this entitlement. Prior to installation of such additional antenna, written documentation demonstrating that the antenna is needed to achieve the desired coverage and a revised elevation of the final antenna configuration shall be provided to the Department of Planning and Building Services.

22. The applicant shall, upon request, provide space for any emergency services agency seeking to locate at this site.

AYES: Barth, Edwards, Little, McCowen

NOES: None

ABSENT: Calvert, Nelson, Lipmanson

4B. CDU 34-2003 – MENDOCINO LAND TRUST – South of Albion

Request: Coastal Development Use Permit to allow for the development of recreational public access trails, a parking lot and access road, signage, benches and fencing on a coastal bluff known as Navarro Point.

Commissioner Barth stated that she has talked to people involved with the Mendocino Land Trust but has not discussed this case with anyone involved with the association.

Mr. Lynch reviewed the staff report and correspondence. He also handed out pictures and a new map showing the new parking lot location.

Ms. Louisa Morris, representing the Mendocino Land Trust, spoke in support of the application and responded to questions from the Commission. She noted a concern with Condition Number 9 regarding vegetation. She stated that planting shrubs around the parking lot would draw more attention to the parking lot because the site is predominantly grasslands.

Commissioner Barth stated that she had site viewed the property and handed out pictures.

In response to Commissioner Edwards, Ms. Morris responded that the site is not appropriate for recreational fishing given the unstable condition of the bluffs, but that there was no prohibition on such use.

In response to Chairman McCowen, Ms. Morris stated that the proposed driveway access was the only location on the property that provided adequate line of site. She stated that the parking lot location was also dictated by the location of the pond and the drainage swale that feeds the pond.

The public hearing was declared open and subsequently closed when no one came forward to address the Commission.

Mr. Lynch referred to the letter from Rixanne Wehren, representing the Sierra Club, requesting that consideration be given to incorporating the California Coastal trail into the trail design for the site.

Commissioner Barth stated that she liked the trail design, and low visual impact of the proposed barriers. She stated she was satisfied with the parking lot location and expressed the hope that the historic fencing and water trough would be preserved.

Chairman McCowen stated his concern that the parking lot location would be visually obtrusive for visitors traveling to the coast via Highway 128. He referred to the Orthophoto of the property on Page PC-21 and stated that additional fill would be required, but that safe access could be provided at the midpoint of the straightaway at the northern end of the property. He further stated that a path could be weed whacked on an angle from the current north and south ends of the trail to the Highway 1 frontage to provide for the coastal trail.

Commissioner Nelson questioned the need for restroom facilities.

Ms. Morris stated that the property would be monitored weekly and if it became apparent that bathroom facilities were necessary they would seek to provide them.

Upon motion by Commissioner Barth, seconded by Commissioner Little and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #CDU 34-2003 making the following findings and subject to the following conditions of approval:

General Plan Consistency Finding: As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan and Coastal Element of the General Plan as subject to the conditions being recommended by staff.

Environmental Findings: The Planning Commission finds that no significant environmental impacts would result from the proposed project that cannot be adequately mitigated through the conditions of approval, therefore; a Negative Declaration is adopted.

Department of Fish and Game Findings: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based on the fact that the parcel will be predominantly retained in its undeveloped natural state, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5.

Coastal Development Permit Findings: The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.
8. Environmentally Sensitive Habitat Areas.
 - (a) The resource as identified will not be significantly degraded by the proposed development.
 - (b) There is no feasible less environmentally damaging alternative.
 - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

Project Findings: The Planning Commission, making the above findings, approves #CDU 34-2003 subject to the following conditions of approval.

CONDITIONS OF APPROVAL:

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 if the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 4, 2004. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
3. Native vegetation shall be reestablished on all areas of disturbed soil in conformance with Chapter 20.492 of the Mendocino County Code. All erosion control measures specified in the Parking Lot Design Plans prepared by Green Valley Consulting Engineers shall be incorporated into the construction of the parking lot and driveway. Silt fencing installed below the construction area shall be installed as close as possible to the work area to provide maximum undisturbed buffer area (not less than 100 feet) above the downslope wetland.
4. Prior to the issuance of the Coastal Development Permit, the landowner (Mendocino Land Trust (MLT), or as otherwise shown on the Official Records found in Mendocino County Recorder's office), shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which shall provide that:
 - a. The landowner (MLT) understands that the site may be subject to extraordinary geologic and erosion hazard and landowner (MLT) assumes the risk from such hazards;

- b. The landowner (MLT) agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project, including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
 - c. The landowner (MLT) agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d. The landowner (MLT) shall not construct any bluff or shoreline protective devices to protect the improvements in the event that these structures are subject to damage or other erosional hazards in the future;
 - e. The landowner (MLT) shall remove the trail and associated developments when bluff retreat reaches the point at which the structure is threatened. In the event that improvements associated with the trail fall to the beach before they can be removed from the blufftop, the landowner (MLT) shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner (MLT) shall bear all costs associated with such removal; and
 - f. The document shall run with the land, bind all successors and assignees, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
- 5. The landowner shall monitor the impacts of public use of the site and implement additional mitigation measures if needed to prevent damage to sensitive areas, particularly the wetland, the peninsula, and the bluff face.
 - 6. Prior to issuance of the coastal development permit, the applicant shall submit a revised Plot Plan which shall show the revised location of the parking lot; and the resulting changes in trail locations, with consideration given to including use of the old quarry road as the main trail between the parking lot and the bluff.
 - 7. Work within the Highway 1 right of way shall be completed in accordance with encroachment procedures administered by California Department of Transportation.
 - 8. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF# 67-03) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the grading permit, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
 - 9. Within one year of the final inspection of the grading permit for the driveway and parking lot, a few (6-10) native shrubs or other vegetation shall be planted, as appropriate, near the north, east, and south edges of the parking lot to slightly soften the visual impact of the lot and parked cars. Vegetation selected shall be maintained and replaced as required, and shall not be allowed be so large as to obstruct views of the ocean from the highway.

10. Signs shall be designed and located to avoid blocking public views of the ocean and shall conform with setback requirements. Sign posts and frames shall be of colors and materials selected to be compatible with and blend with the natural environment. Management sign at a parking lot shall include a trails map.
 11. The recommendations for protection of cultural resources described in the Archaeological Survey prepared by Thad Van Bueren, MA, dated June 26, 2000, shall be incorporated into the development of the site. In the event that archaeological resources are encountered during construction of the project, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
 12. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.
 13. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
 14. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
 15. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
 16. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted has been violated.
 - c. The use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more of the conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more of the conditions.
- Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.
17. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

AYES: Nelson, Edwards, Little, Barth
NOES: McCowen
ABSENT: Calvert, Lipmanson

RECESS: 10:08 a.m. – 10:20 a.m.

4C. OA 1-2004/R 2-2004 – NUMEROUS OWNERS WITHIN THE PLANNING ARENAS OF THE OCEAN RIDGE AND LITTLE RIVER AIRPORTS

Request: **Part 1:** Ordinance Amendment (#OA 1-2004) to revise Division II (Coastal Zoning Ordinance) of Title 20 of the Mendocino County Code by adding text reflecting the establishment of an “AZ” Airport Zone Combining District for the purpose of identifying parcels located in proximity (approximately one mile) to a public use airport. **Part 2:** Rezoning (#R 2-2004) for the purpose of implementing the Airport Comprehensive Land Use Plan through the application of an “AZ” Airport Zone Combining District to parcels lying within the Ocean Ridge and Little River airport planning areas.

Mr. Pedroni reviewed the staff report and noted that the maps for the airports on Pages PC-6 and PC-7 are switched.

The public hearing was declared open.

Ms. Ann Kyle-Brown, newly appointed member of the Little River Airport Advisory Council and concerned property owner, stated her concerns about impacts of the proposed action on property rights and property values and her concern that it might further restrict the ability of landowners to develop their property or grant the Airport greater powers. She also expressed concern about the impact on what she referred to as “hiatus lands,” which she described as a “no man’s land” near the airport which was not developed and did not belong to anyone.

Mr. Pedroni clarified that the present action did not provide any greater restrictions than those that presently exist. The restrictions listed in Table 2A (Exhibit C) currently apply to subject properties that are included within the specified zones. He was unaware of the so called “hiatus lands” but the proposed project would not change their status or development potential. The proposal would assure that potential purchasers of property, as well as staff, are aware that there are special restrictions on properties near the airports.

The public hearing was declared closed.

Upon motion by Commissioner Barth, seconded by Commissioner Nelson and carried by the following roll call vote, IT IS ORDERED that the Planning Commission recommends to the Board of Supervisors approval of #OA 1-2004 and #R 2-2004 as follows:

- A. Ordinance Amendment #OA 1-2004 (1) adding Chapter 20.410 to Division II (Coastal Zoning Code) of Title 20 of the Mendocino County Code reflecting the establishment of an “AZ” Airport Zone Combining District for the purpose of identifying parcels located in proximity (approximately one mile) to a public-use airport; and (2) amending Section 20.352.010 (Combining Districts) of Chapter 20.352 of Division II (Coastal Zoning Code) of Title 20 of the Mendocino County Code by adding the “AZ” Combining District to the list of Combining Districts as follows: (amendments shown in *italics*)

Chapter 20.410
“AZ” Airport Zone Combining District

Sec. 20.410.005 Intent

This district is intended to be applied to parcels which are located in airport planning zones as specified in the County's adopted Comprehensive Land Use Plan (CLUP) for the purpose of notifying interested parties that restrictions may apply to certain parcels as described within the CLUP.

Sec. 20.410.010 Regulations

Development of parcels within the "AZ" airport zone combining district shall be subject to the regulations set forth in the airport Comprehensive Land Use Plan, or as stipulated in this Chapter.

Sec. 20.352.010 Combining Districts

Combining districts may also be designated as follows:

AH	Airport <u>Height</u> Combining District
<u>AZ</u>	<u>Airport Zone Combining District</u>
CL	Clustering Development Combining District
DL	Development Limitations Combining District
FP	Flood Plain Combining District
L	Special Minimum Lot Size Combining District
PD	Planned Unit Development Combining District
SS	Seismic Study Combining District
VAS	Visitor Accommodations and Services Combining District

- B. *Rezone #R 2-2004 for the purpose of implementing the Airport Comprehensive Land Use Plan through the application of an "AZ" Airport Zone Combining District to 493+ parcels lying within the Ocean Ridge and Little River airport planning areas which are described as Zones A through D extending in an approximate radius of 5,000 feet from the airport runway(s) as shown on the CLUP Compatibility Maps for the respective airports.*

Furthermore, the Planning Commission finds that Ordinance Amendment #OA 1-2004 and Rezone #R 2-2004 (1) are consistent with the Airport Comprehensive Land Use Plan (CLUP); (2) that the County's Airport Land Use Commission (ALUC) has found the proposal to be consistent with the CLUP; (3) that the proposal furthers the implementation of the CLUP; and is consistent with the Mendocino County General Plan and Coastal Element of the General Plan.

The Planning Commission further finds that the proposal is exempt from further environmental review pursuant to Section 15061(3) of the California Environmental Quality Act (CEQA), which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This determination is based upon conclusion that #OA 1-2004 and #R 2-2004 are administrative in nature, implementing an existing policy of the CLUP which was adopted with a Negative Declaration

AYES: Edwards, Little, Nelson, Barth, McCowen
NOES: None
ABSENT: Calvert, Lipmanson

4D. SP 1-2003 – BROOKTRAILS SPECIFIC PLAN

Request: Amend the Brooktrails Specific Plan as proposed in Brooktrails Township Community Service District Board Resolution No. 2004-1 reflecting proposed changes to the adopted Specific Plan a result of the initial 5 year plan update recently completed by the BTCSD. Proposed amendments to Chapter 1-3, 7-8, 10-11 of the Brooktrails Specific Plan provide clarification to existing text and addresses topics including on-street parking, community circulation (second & third access, U.S. 101 Bypass), fire protection, water supply, and development standards.

Chairman McCowen noted that the Commission received a document from Arthur Eck regarding the proposal.

Mr. Pedroni reviewed the staff report.

Mr. Mike Chapman, General Manager of the Brooktrails Township Community Services District, summarized the history and adoption of the Specific Plan. He requested several corrections be made to the proposed amendment, as follows:

- Figure 7-1, on Page 7-3, should be corrected to show that Primrose Drive does not cross Sherwood Road and continue on to the east.
- Fifth paragraph on Page 7-4 – “.... Route #3 is selected as the third ~~preferred second~~ access route largely because... and would provide a good third ~~second~~ evacuation route for residents...”
- Second paragraph on Page 7-5 – delete the last seven words in the paragraph; “~~and the new Southern Second Access Route.~~”
- Amend Paragraph B-1 on Page 10-31a – “All driveways and parking spaces, ~~except for single family dwellings with driveway slopes 10% or less,~~ are required to be paved...”

Mr. Chapman responded to points raised in the letter from the California Department of Transportation (Caltrans). Mr. Chapman felt that the issue raised in the first bullet on the Caltrans letter had been addressed on Page 1-2.

In response to Commissioner Barth, Mr. Chapman provided an update on the current status of the Willits bypass.

The public hearing was declared open.

Mr. Arthur Eck stated that most of the roads in Brooktrails are 24 feet wide or less and that any on street parking forces people to drive in the middle of the road. He stated that, if cars are parked on each side of the road, there is insufficient room to pass. Mr. Eck recommended that parking be restricted to provide for traffic safety, emergency vehicle access and to prevent erosion, which may occur when people park on unimproved shoulders. He suggested that parking on one side could be safely accommodated on roads that are 32 feet in width provided there is, at a minimum, 200 feet visibility in either direction. Parking on shoulders should be prohibited unless there is adequate surfacing of the shoulder.

Ms. Virginia Pohlson stated that she was pleased with the inclusion of the new language on Page 7-2. She requested clarification regarding required width of fire access roads and pointed out that the currently preferred second access route was not depicted on the map in Figure 7-1. Ms Pohlson described an additional potential emergency access that is not shown on Figure 7-1. She urged that the figure be updated.

Mr. Chapman commented that he would be providing an updated map to the Planning Department within the next week.

In response to Vice-chairman Little, Ms. Pohlson discussed the evacuation plan and commented that the plan needs to be updated.

The public hearing was declared closed.

Mr. Chapman stated that the Specific Plan Advisory Committee is working to identify suitable lots to serve as "parking pods" which could accommodate public parking. He noted that the roads within the township average 25 ½ feet wide. He advised that there are 60 miles of roads with 4 miles designated as fire lanes, within the township. In response to Chairman McCowen, Mr. Chapman clarified that the fire lanes are only available for emergency use and do not include any of the paved roads.

Vice-chairman Little expressed concern about approving the application without the map first being corrected.

Chairman McCowen suggested that the Commission take action on the application requiring that an accurate map is provided to and accepted by staff.

Commissioner Barth stated that she would prefer to have an updated letter from Caltrans regarding the bypass. Commissioner Barth supported having the District address on-street parking standards.

Director Hall discussed the status of the bypass and noted that Caltrans frequently changes the date for construction of the bypass. Current estimates state that construction will begin in 2007. He recommended deletion of any specific dates from the Plan regarding construction of the bypass.

Upon motion by Commissioner Little, seconded by Commissioner Nelson and carried by the following roll call vote, IT IS ORDERED that the Planning Commission recommends to the Board of Supervisors approval of the Brooktrails Specific Plan Amendment #SP 1-2003, making the following findings, amending sections of the Specific Plan as detailed within Exhibit 2 of the May 20, 2004 staff report, incorporating the following additional amendments as requested by the General Manager of the Brooktrails Township Community Services District, and further requiring that Figure 7-1 be amended and submitted to staff prior to the Board of Supervisors hearing and further the Planning Commission recommends that the evacuation plan be updated and brought back to the Planning Commission and Board of Supervisors as an informational item:

- 1 **Environmental Findings:** That an initial study has been prepared and a Negative Declaration of environmental impacts is recommended for adoption finding that no significant environmental impacts are anticipated;
2. **General Plan Findings:** The project is consistent with the Mendocino County General Plan and the Brooktrails Specific Plan; and

3. **Department of Fish and Game Findings:** An Initial Study has been prepared evaluating the potential for adverse impacts and, when considering the record as a whole, there is no evidence in the record that the proposal will have potential for an adverse effect on wildlife resource or the habitat upon which wildlife depends. Therefore, the Commission rebuts the presumption set forth in subdivision (d) of Section 735.5.

Specific Plan Amendments: Amendments contained within Exhibit 2 of the May 20, 2004 staff report and the following additional amendments:

- Figure 7-1, on Page 7-3, should be corrected to show that Primrose Drive does not cross Sherwood Road and continue on to the east.
- Fifth paragraph on Page 7-4 – “.... Route #3 is selected as the third ~~preferred second~~ access route largely because... and would provide a good third ~~second~~ evacuation route for residents...”
- Second paragraph on Page 7-5 – delete the last seven words in the paragraph; “~~and the new Southern Second Access Route.~~”
- Amend Paragraph B-1 on Page 10-31a – “All driveways and parking spaces, ~~except for single family dwellings with driveway slopes 10% or less,~~ are required to be paved...”

Discussion on Motion:

Commissioner Edwards recused himself from action on the application, explaining that he had done some work on the proposed second access and once discussion moved from the general concept of a second access to a specific location, he decided that it might not be appropriate for him to vote on the application. He noted he had not participated in the discussion and he then left the room.

Mr. Pedroni noted that the Department of Fish and Game commented that the de minimis finding was not appropriate for this application.

Commissioner Little stated that no new development would take place as a result of this application and he believed that the de minimis finding was appropriate. Other Commissioners concurred with Commissioner Little's comments.

AYES: Barth, Nelson, Little, McCowen

NOES: None

ABSENT: Calvert, Lipmanson, Edwards (Edwards recused himself and left the room)

5. Matters from Staff.

The Commission concurred with staff's recommendation to cancel the July 1, 2004 meeting.

6. Matters from Commission.

In response to Chairman McCowen, Mr. Lynch noted that the Board of Supervisors did approve the new fee schedule for the Department of Planning and Building Services.

7. Approval of Minutes.

None.

8. Matters from Public.

No one was present from the public to address the Commission.

9. Adjournment.

Upon motion by Commissioner Edwards, seconded by Commissioner Little, and unanimously carried (4-0; Calvert, Edwards and Lipmanson absent), IT IS ORDERED that the Planning